IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13/08/2004

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THE HONOURABLE MR.JUSTICE M.CHOCKALINGAM

W.P.No.18177 of 1998 and W.P.No. 512 of 1999

S. Visvalingam .. Petitioner in both WPs

-VS-

1.State of Tamil Nadu
represented by its Secretary
Finance (Pay Cell) Department
Fort St. George, Chennai 600 009
2.State of Tamil Nadu
represented by its Secretary
(Pension) Department,
Fort St. George, Chennai 600 009.
3.The Principal Accountant
General (A & E), Tamil Nadu
No.261, Anna Salai, Chennai 18.
4.The District Collector
Ramanathapuram
Ramanathapuram District
5.The Treasury Officer
Madurai, Madurai District. .. Respondents in
both WPs

W.P.No.18177/98 is filed under Article 226 of the Constitution of India praying to issue a writ of declaration declaring para 7 of the G.O.Ms.No.174 Finance (Pay Cell) Department dated 21.4.1998 as unconstitutional, illegal and void.
W.P.512 of 1999 is filed under Article 226 of the Constitution of India praying to issue a writ of declaration declaring the amended G.O.M.S.No.500 Finance (Pay Cell) Department dated 16.9.98 which was passed in supersession of para 7 of G.O.M.S.No.174 dated 21.4.1998 as unconstitutional, illegal and void and consequently direct the respondents 1 & 2 to fix the pension of those retired from 1.1.96 to 30.6.96 with an increase of at least of 10% of the pension of those who retired on or before 31.12.95 in the cadre of Tahsildar on par with such seniority besides making the entire payment of death-cum-retirement gratuity (DCRG), commuted value of pension and terminal leave salary in one lumpsum on par with the retirees on or after 1.4.98.

For Petitioner : Mr.K.Ravi Anantha Padmanaban

For Respondents : Mr.V.Subbarayan

Special Government Pleader

:ORDER

Both these writ petitions have been brought forth seeking a writ of declaration declaring that the G.O.M.S.No.174 dated 21.4.1998, the consequent proposals of the fourth respondent and the G.O.M.S.No.174 dated 21.4.1998 as amended by G.O.M.S.No.500 dated 16.9.1998 are unconstitutional, illegal and void.

2. At the time when the matter was taken up for consideration, it was represented by the learned Special Government Pleader that subsequent to the two Government Orders referred to above, the State Government has passed G.O.M.S.No.740 dated 29.12.1998, G.O.M.S.No.200 dated 1 8.5.1999 and G.O.M.S.No.199 during 2000, and all these three G.Os. have been brought forth, and hence, the petitioner could work out his remedies under those G.Os.

3. This Court is of the considered opinion that at this juncture, there is no meaningful relief that could be granted in declaring G.O.M.S.No.174 dated 21.4.1998 and G.O.M.S.No.500 dated 16.9.1998 as unconstitutional and void, in the face of the above stated three G.Os. subsequently passed by the State Government. Under the circumstances, there is no impediment for the petitioner to work out his remedies under all or any one of the three G.Os. referred to above. However, the petitioner is at liberty to move this Court by way of writ application, if he could not get the remedies under all or any one of those three G.Os.

4. In the result, with that liberty both the writ petitions are disposed of. No costs.

Index: yes
Internet: yes

To:

1.The Secretary
Finance (Pay Cell) Department
Fort St. George, Chennai 600 009
2.The Secretary
(Pension) Department,
Fort St. George, Chennai 600 009.
3.The Principal Accountant
General (A & E), Tamil Nadu
No.261, Anna Salai, Chennai 18.
4.The District Collector
Ramanathapuram
Ramanathapuram District
5.The Treasury Officer
Madurai, Madurai District.

nsv/

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